

**IN THE CLAIMS**

This listing of the claim will replace all prior versions and listings of claim in the present application.

**Listing of Claims**

Claims 1-17 (canceled).

18. (currently amended)A system comprising:

a base station; and

a plurality of terminals,

wherein a terminal having a request for data transmission transmits a reservation packet to said base station,

said base station, having received a said reservation packet, transmits a reply packet to said terminal which transmitted said reservation packet, said reply packet being processed with a spreading code, and

wherein said base station generates a busy tone signal to control transmission of reservation packets from said plurality of terminals, and transmits said busy tone signal processed with a same spreading code which is used to process said reply packet ~~is processed with.~~

19. (currently amended)A base station in a system comprising said base station, and a plurality of terminals, wherein a terminal having a request for data transmission transmits a reservation packet to said base station, comprising:

a reply packet constructing unit for, in response to receiving a said reservation packet from a terminal, transmitting a reply packet to said terminal which transmitted said reservation packet; and

a busy tone value calculator for generating and notifying a busy tone signal to control transmission of reservation packets from said plurality of terminals,

wherein said reply packet and said busy tone signal are processed with using a same spreading code.

20. (previously presented) A terminal in a system comprising a base station, and a plurality of terminals, comprising:

a reservation packet constructing unit for, when having a request for data transmission, constructing a reservation packet to be transmitted to said base station;

a busy tone value calculator which receives from a base station a busy tone signal to control transmission of reservation packets;

an upward schedule controller which receives traffic state information from said busy tone value calculator to control issuance of reservation packets; and

means for receiving a reply packet transmitted from said base station in response to said reservation packet,

wherein, at receiving, said busy tone signal and said reply packet are despread using a same spreading code.

21. (new) A wireless communication system comprising a base station and a plurality of terminals each for transmitting data to said base station using one of a plurality of transmission channels for said base station,

wherein a terminal having a request for data transmission transmits a reservation packet to said base station,

wherein said base station, in response to a reception of said reservation packet, transmits a reply packet for said terminal which transmitted said reservation packet, and

wherein said base station generates a busy tone signal to control transmission of reservation packets from said plurality of terminal based on a condition of said transmission channel, spreads said busy tone signal using a same spreading code as said reply packet, and transmits said busy tone signal in a designated timing of slots of a control channel which is a CDMA channel used for control of said plurality of transmission channels.

22. (new) The wireless communication system according to Claim 21, wherein said plurality of transmission channels and a channel used to transmit said reservation packet are CDMA channels.

23. (new) A base station in a wireless communication system comprising a base station and a plurality of terminals each for transmitting data to said base station using one of a plurality of transmission channels for said base station, comprising:

a reply packet generator which generates a reply packet in response to reception of a reservation packet from a terminal, and, transmits said reply packet for said terminal; and

a busy tone value calculator which generates and notifies a busy tone signal to control transmission of reservation packets from said plurality of terminal, based on a condition of said transmission channel,

wherein said reply packet and said busy tone signal are spread using a same spreading code, and transmitted using designated timings in slots on a CDMA control channel used for control of said plurality of transmission channels.

24. (new) The base station according to Claim 23, wherein said plurality of transmission channels and a channel used to transmit said reservation packet are CDMA channels.

25. (new) A terminal in a wireless communication system comprising a base station and a plurality of terminals each for transmitting data to said base station using one of a plurality of transmission channels for said base station, comprising:

a reservation packet generator which generates a reservation packet when there is data to be transmitted;

a uplink schedule controller which controls transmission of said reservation packet according to a busy tone signal received from said base station, which is used to control said transmission of reservation packets based on a condition of said plurality of transmission channels; and

a reception unit which receives a reply packet transmitted from said base station in response to said reservation packet,

wherein said reception unit despreads said busy tone signal and said reply packet using a same spreading code, and said busy tone signal and said reply packet are received at timings in slots on a CDMA control channel used for control of said plurality of transmission channels.

26. (new) The terminal according to Claim 25, wherein said plurality of transmission channels and a channel used to transmit said reservation packet are CDMA channels.